

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PHARMACEUTICAL
TECHNOLOGIES, INC.,

Plaintiff,

vs.

HOY'S, INC., EBJ&F, LLC,
MRI INTERNATIONAL, INC., and
PHARMACY PROVIDERS OF
OKLAHOMA,

Defendants.

8:13CV305

ORDER

This matter is before the court sua sponte, and pursuant to NECivR 41.2, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution."

In this case the complaint was filed on October 1, 2013. **See** Filing No. 1. The plaintiff sought summonses at the same time, serving the defendants between October 4, 2013, and October 7, 2013. **See** Filing Nos. 9-12. None of the defendants have appeared in this case. No answer or any other document has been filed in the case. The court notes in the complaint the plaintiff indicates it will seek to file certain funds with the court and be discharged from further liability in this matter, which is related to several other lawsuits in the United States District Court for the District of Nevada. **See** Filing No. 1. The plaintiff did not file a motion for leave to deposit the funds. In any event, it remains the plaintiff's duty to go forward in prosecuting the case until such time as the court discharges it from further participation. Accordingly, the plaintiff shall have an opportunity to move for clerk's entry of default pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a), as appropriate, against the defendants, or otherwise show cause why this action should not be dismissed or transferred to the United States District Court for the District of Nevada.

IT IS ORDERED:

The plaintiff has until the **close of business on December 20, 2013**, to file a motion for clerk's entry of default against the defendants or show cause why this case should not be transferred to the United States District Court for the District of Nevada or dismissed for failure to prosecute.

Dated this 2nd day of December, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge